



12 MAR 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

#3

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Sheldon & Mak
225 South Lake Avenue, Suite 900
Pasadena, CA 91101

In re Application of :
GOOD, Thomas J. et al. :
Application No.: 10/088,330 :
PCT Application No.: PCT/US96/11300 :
International Filing Date: 03 July 1996 :
Priority Date: None :
Attorney Docket No.: 10455-1PCT :
For: MICROCOLUMN FOR EXTRACTION :
OF ANALYTES FROM LIQUIDS :

DECISION ON
PETITION
UNDER 37 CFR 1.137(b)

Applicant's "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 14 March 2002 is **DISMISSED**.

BACKGROUND

On 03 July 1996, applicant filed international application PCT/US96/11300. A demand for international preliminary examination was timely filed on 02 February 1998. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 04 January 1999 (03 January 1999 was a Sunday).

On 14 March 2002, applicant filed a Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) accompanied by, *inter alia*, the basic national fee.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

A terminal disclaimer is not required as application was filed on 21 June 1999. The petition fee and the basic national fee have both been paid.

Applicant states that "the entire delay in filing the required U.S. National Phase Entry patent application from the National Phase Entry deadline of 03 January 1999 until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." The statement is insufficient. The statement must read or literally mean "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. As the application went abandoned for failure to timely pay the basic national fee, the statement regarding the failure to file the patent application is not sufficient.

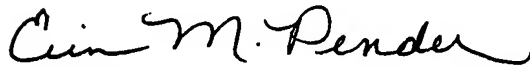
CONCLUSION

For the reasons listed above, the petition to revive the application abandoned under 37 CFR 1.137(b) is **DISMISSED** as to the National Stage in the United States of America.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

The application remains **ABANDONED**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459